IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 5613 of 2007(R)

OPMV.2728/1993 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA

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PETITIONER:

V. SUSHEELA BAI, W/O.K.R.VENUGOPALAN, 9/613, PANDIKUDY, KOCHI-2.

BY ADV. SRI.T.A.SHAJI
SRI.P.C.JEEVA

RESPONDENTS:

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.5613 of 2007

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Dated this the 28th day of May, 2007

J U D G M E N T

The petitioner is the claimant in O.P(M.V). No.2723/1993. In the same, compensation has been awarded and an amount of Rs.2,41,785/- is in fixed deposit in a nationalised bank as directed by the Motor Accidents Claims Tribunal. The petitioner wants that amount to be released for paying off the house building advance taken by her. However, by Ext.P2 order, the Tribunal granted permission to withdraw Rs.1.5 lakhs only. The petitioner challenges that order and seeks release of the entire amount in deposit.

2. On a consideration of the entire facts and circumstances of the case, I feel that the entire amount in fixed deposit can be released to the petitioner. Therefore, I quash Ext.P2 order and direct the Motor Accidents Claims Tribunal, Irinjalakkuda, to authorise disbursal of

the entire amount lying in fixed deposit as directed by the Tribunal.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.